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MISCELLANEOUS DOCUMENTS

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Johnny Rangel
J.S.I.D. File #15-0547
L.A.S.D. File #015-12768-1441-013

DATE: July 20, 2017

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the October 16, 2015, fatal shooting of Johnny Rangel by Los Angeles County Sheriff's Department (LASD) Deputy Brian Richards. We have determined that Richards acted in lawful self-defense and the defense of others when he used deadly force against Rangel.

The following analysis is based upon a series of reports prepared by LASD Homicide Bureau. JSID was notified of this shooting at 3:10 a.m. on October 16, 2015. The District Attorney Response Team responded to the location of the shooting where they received a briefing and "walk-through" of the scene. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS

In the early morning hours of October 16, 2015, Deputies Brian Richards and [redacted] were on patrol in Valinda, an unincorporated area of Los Angeles County located in the San Gabriel Valley. Both deputies were wearing full LASD uniforms and driving a marked black and white police car. [redacted] was driving and Richards was riding in the right front passenger's seat.

At approximately 1:15 a.m., the deputies were driving north on Azusa Avenue approaching Amar Road when they saw Rangel near the northwest corner of Azusa Avenue and Amar Road. Rangel ran south on Azusa Avenue and into a McDonald's parking lot.



McDonalds on corner of Azusa Avenue and Amar Road.

The deputies drove towards Rangel, who appeared to be speaking to two individuals in the McDonald's parking lot. [redacted] called out for Rangel to come towards them and illuminated him with the patrol car's spotlight. Rangel ran from the deputies through the parking lot of McDonald's and into a residential area.[1]

The deputies pursued Rangel south on Witzman Drive to eastbound Ashcomb Drive where they caught up with Rangel and ordered him to stop. Instead, Rangel ran down the side yard of [redacted] Ashcomb Drive and disappeared into the backyard.


Side Yard of [redacted] Ashcomb Drive

[1] The western edge of the McDonald's parking lot abuts the backyards of homes located on Witzman and Ashcomb Drives.

[redacted] and Richards circled the block in an effort to apprehend Rangel. When they did not see him, they made a radio broadcast of their activities and then returned to Ashcomb Drive.

Shortly after they returned to Ashcomb Drive, [redacted] contacted the deputies and told them that a person had broken into his home and was still inside the residence. [redacted] and [redacted] exited the house and advised the deputies that [redacted] were still inside the house. [redacted] also advised the deputies that his [redacted] were unable to exit the home without assistance.

Statement of [redacted]

[redacted] was interviewed by investigators from LASD Homicide Bureau on October 16, 2015, at approximately 5:39 a.m. He described putting his [redacted] and [redacted] to bed and then retiring at approximately 12:00 a.m. He was awakened at approximately 12:30 a.m. when he heard noises inside the house. After checking the hallway and finding nothing amiss, he returned to his bedroom and went back to bed. Approximately 20 minutes later he heard loud banging on his door. When he opened the door he found his [redacted] and his [redacted] in the hallway. [redacted] advised him that a person had broken into the house and was still inside the residence. [redacted] saw that the rear sliding door was shattered and saw blood on the ground near the broken door. He asked [redacted] if she had called the police, and she told him that the police were outside.

[redacted] went to the front of the residence and saw several LASD deputies. He asked them to come in to remove the individual, but they initially declined advising him that they were waiting for more officers to arrive. The deputies directed [redacted] to leave the house, but he declined because he was in fear for the safety of his [redacted].

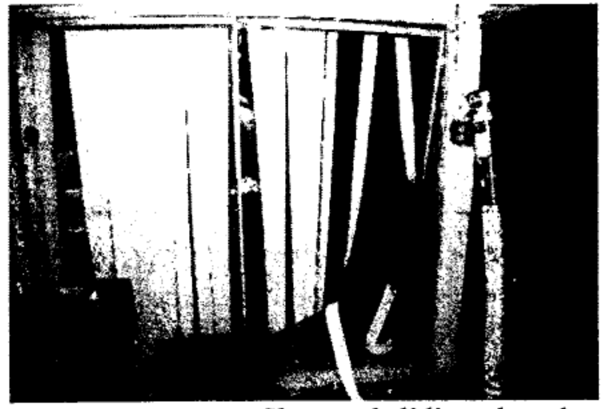
[redacted] went back into the house and heard noise in a rear bedroom. He believed that the person might have been attempting to barricade himself. [redacted] yelled for the person to leave his house, but got no reply.

Shortly thereafter, [redacted] and [redacted] exited the house. [redacted] saw the helicopter arrive and heard several loud broadcasts from the helicopter's P.A. system directing the person to exit the house. Sometime thereafter deputies exited the house and [redacted] were brought outside. A short time later, [redacted] heard the sound of a single gunshot. Deputies brought Rangel out of the house and attempted CPR. An ambulance arrived and Rangel was transported from the scene.

Statement of [redacted]

[redacted] was interviewed by investigators from LASD Homicide Bureau on October 16, 2015, at approximately 6:05 a.m. [redacted] stated that she is the [redacted] of [redacted] She had been living at [redacted] for several months before this incident.

Sometime in the early morning hours of October 16, 2015, [redacted] was in her bedroom when she heard yelling and screeching tires. She looked outside but did not see anything. She then heard noises coming from the backyard. Shortly thereafter, [redacted] heard a loud crash. [redacted] exited her room and saw a man, later identified as Rangel, standing inside the house. Rangel was bleeding. Rangel stated, "Please. Please." [redacted] ordered him to leave. Rangel told her he was bleeding and asked to use the bathroom. [redacted] stated that he could, but then he had to leave.





Shattered sliding glass door at rear of [redacted]

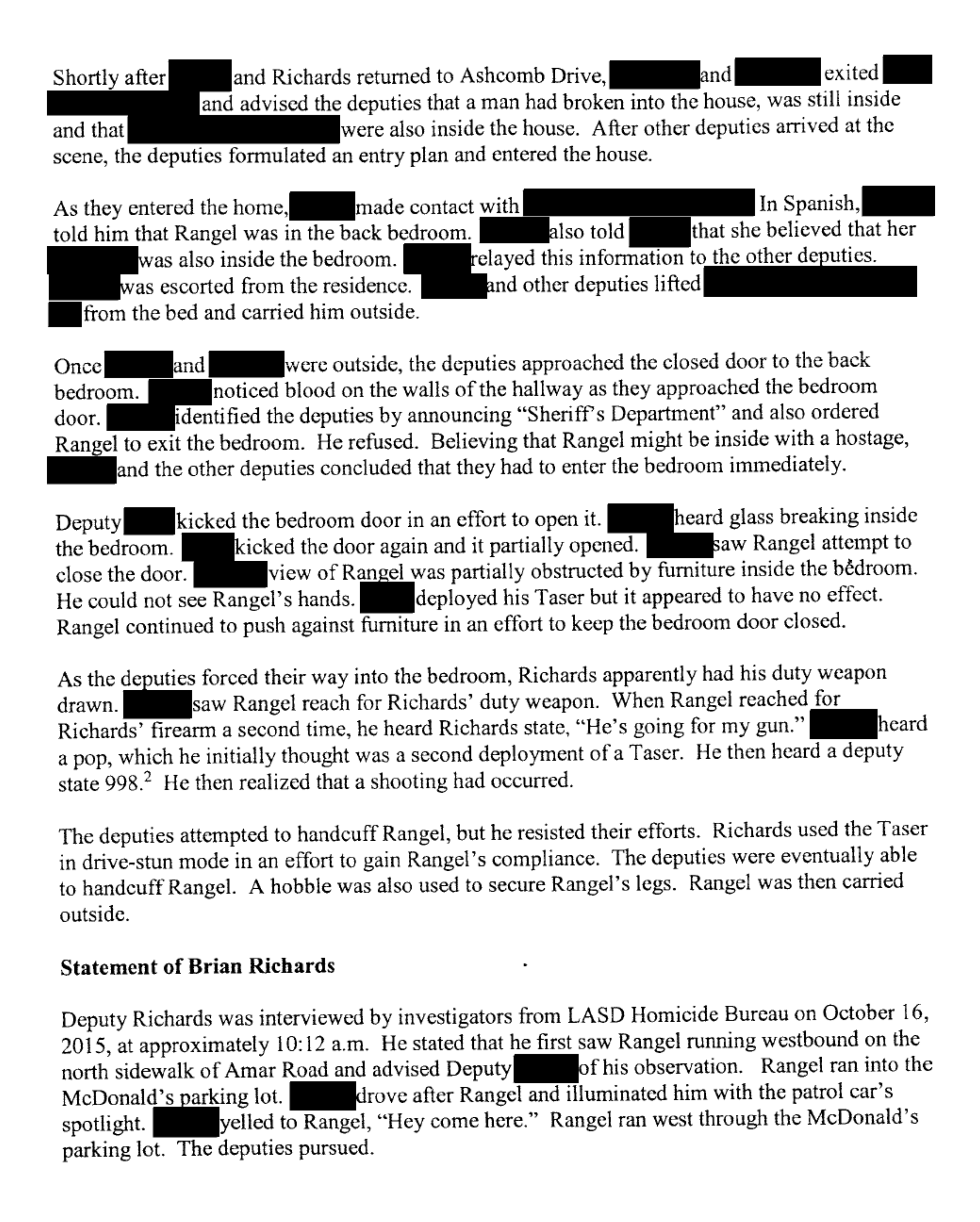
[redacted] went to [redacted] door and began pounding on it. When [redacted] exited his bedroom, [redacted] told him about the intruder and advised him that the police were outside. [redacted] noticed that Rangel was no longer in the bathroom but had entered her bedroom.

[redacted] exited the house and spoke to the deputies. She told them that she did not see Rangel with any weapon and that Rangel had not threatened her. After some time, the deputies brought out [redacted] She heard the deputies make several announcements, but Rangel failed to exit the home. She watched as the deputies entered the home. After the deputies entered the home, she heard sounds coming from the home and then heard a loud bang. After a short time, the deputies brought Rangel out of the home, attempted CPR and then turned him over to the paramedics.

Statement of Deputy [redacted]

Deputy [redacted] was interviewed on October 16, 2015, at approximately 8:25 a.m., by investigators from LASD Homicide Bureau. Deputy [redacted] stated that he was on patrol with his partner Brian Richards. In the early morning hours of October 16, 2015, they were stopped at the intersection of Azuza Road and Amar Road when they saw Rangel standing on the sidewalk near the northwest corner of the intersection. Rangel looked at the deputies and then began running southwest and into the McDonald's parking lot. Rangel approached two people standing near vehicles in the parking lot.

[redacted] shined the patrol vehicle's spotlight at Rangel. Rangel then ran west through the parking lot and into a residential neighborhood. [redacted] pursued in the patrol vehicle. When the deputies reached Witzman Drive, he ordered Rangel to get on the ground. Rangel refused, running east onto Ashcomb Drive and then between two houses, disappearing into the backyard. [redacted] notified other LASD deputies of their pursuit. He drove back to the McDonald's parking lot in an effort to locate Rangel. When he did not find Rangel, [redacted] drove back to Ashcomb Drive.



Shortly after [redacted] and Richards returned to Ashcomb Drive, [redacted] and [redacted] exited [redacted] and advised the deputies that a man had broken into the house, was still inside and that [redacted] were also inside the house. After other deputies arrived at the scene, the deputies formulated an entry plan and entered the house.

As they entered the home, [redacted] made contact with [redacted] In Spanish, [redacted] told him that Rangel was in the back bedroom. [redacted] also told [redacted] that she believed that her [redacted] was also inside the bedroom. [redacted] relayed this information to the other deputies. [redacted] was escorted from the residence. [redacted] and other deputies lifted [redacted] from the bed and carried him outside.

Once [redacted] and [redacted] were outside, the deputies approached the closed door to the back bedroom. [redacted] noticed blood on the walls of the hallway as they approached the bedroom door. [redacted] identified the deputies by announcing "Sheriff's Department" and also ordered Rangel to exit the bedroom. He refused. Believing that Rangel might be inside with a hostage, [redacted] and the other deputies concluded that they had to enter the bedroom immediately.

Deputy [redacted] kicked the bedroom door in an effort to open it. [redacted] heard glass breaking inside the bedroom. [redacted] kicked the door again and it partially opened. [redacted] saw Rangel attempt to close the door. [redacted] view of Rangel was partially obstructed by furniture inside the bedroom. He could not see Rangel's hands. [redacted] deployed his Taser but it appeared to have no effect. Rangel continued to push against furniture in an effort to keep the bedroom door closed.

As the deputies forced their way into the bedroom, Richards apparently had his duty weapon drawn. [redacted] saw Rangel reach for Richards' duty weapon. When Rangel reached for Richards' firearm a second time, he heard Richards state, "He's going for my gun." [redacted] heard a pop, which he initially thought was a second deployment of a Taser. He then heard a deputy state 998.[2] He then realized that a shooting had occurred.

The deputies attempted to handcuff Rangel, but he resisted their efforts. Richards used the Taser in drive-stun mode in an effort to gain Rangel's compliance. The deputies were eventually able to handcuff Rangel. A hobble was also used to secure Rangel's legs. Rangel was then carried outside.

Statement of Brian Richards

Deputy Richards was interviewed by investigators from LASD Homicide Bureau on October 16, 2015, at approximately 10:12 a.m. He stated that he first saw Rangel running westbound on the north sidewalk of Amar Road and advised Deputy [redacted] of his observation. Rangel ran into the McDonald's parking lot. [redacted] drove after Rangel and illuminated him with the patrol car's spotlight. [redacted] yelled to Rangel, "Hey come here." Rangel ran west through the McDonald's parking lot. The deputies pursued.

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[2] "998" is a radio code used by LASD to designate a deputy involved shooting.

When the deputies caught up with Rangel on Witzman Drive, [redacted] ordered Rangel to stop. Rangel replied, "Fuck you! I'm not going to stop." Rangel continued to flee, eventually running into the backyard of [redacted] Ashcomb Drive. [redacted] drove back to the McDonald's parking lot in an effort to apprehend Rangel. When they did not locate Rangel, the deputies drove back to Ashcomb Drive and requested backup.

Shortly after they arrived on Ashcomb Drive, residents from [redacted] told the deputies that a man had broken into their home and was still inside. The residents also told the deputies that two elderly persons were also inside the home.

Shortly thereafter, the LASD helicopter arrived and made multiple broadcasts for the person to exit the home. Once additional deputies arrived, the deputies made entry into the home. Richards stated that they made multiple commands from the front door of the residence stating, "Sheriff's Department; come out and let me see your hands." These commands were not effective.

After the elderly occupants of the home were escorted out, deputies approached the closed door of the northwest bedroom. Deputy [redacted] kicked the door partially open, but Rangel pushed it closed. Richards heard glass breaking inside the bedroom and believed that Rangel might be trying to escape from the bedroom window.

The deputies backed away from the door but then Richards heard Rangel state, "Okay, I give up." Richards approached the bedroom door and kicked it open. He saw Rangel kneeling down behind a chair that was partially blocking the bedroom doorway. Richards ordered Rangel to "Let me see your hands." Rangel partially complied by raising one hand but continued to hide behind the chair.

Richards leaned into the room in an attempt to see Rangel's hands, while other deputies ordered Rangel to lay on his stomach and put his hands behind his back. As Richards leaned inside, Rangel reached up and grabbed Richards' firearm. Richards pulled his firearm back. Richards told the other deputies that Rangel had grabbed his firearm.

The deputies continued to give additional commands to Rangel when Rangel grabbed Richards' firearm a second time. Richards stated that he felt that he was losing control of his firearm. Richards' felt the firearm was slipping from his hands, but managed to reposition his hands and retain control of his service weapon.

Richards stated that the small confined space in which this incident was unfolding made it difficult to gain compliance from Rangel. Richards also stated that he was afraid that if Rangel gained control of the firearm he would be able to turn the weapon on him and the other deputies. Richards said that after either the first or second time that Rangel grabbed his firearm he heard Deputy [redacted] deploy a Taser.

After the Taser was deployed, Rangel stated that he was going to comply. However, Richards stated that Rangel reached up towards his firearm a third time, whereupon Richards fired his

service weapon. Richards stated that he was uncertain if he struck Rangel because the gunshot appeared to have little effect.

Once Rangel rolled over, however, Richards realized that he had shot Rangel. Richards holstered his firearm and he and [redacted] then attempted to handcuff Rangel. They were able to handcuff Rangel's left hand but Rangel's right hand was under his face or body. Rangel resisted the deputies' efforts to handcuff his right hand. Richards then deployed [redacted] Taser in drive-stun mode twice. After the second deployment, Richards and [redacted] were able to handcuff Rangel. Rangel was also hobbled and possibly tarped.[3]

Other Evidence

After being handcuffed, Rangel was removed from the home and emergency medical personnel were summoned. Fire department officials declared Rangel dead at the scene.

An autopsy was performed on Rangel's body on October 19, 2015. The cause of death was attributed to a single gunshot wound which entered Rangel's left chest and traveled front to back and downward. Toxicology tests showed the presence of marijuana, amphetamine and methamphetamine in Rangel's blood. In addition, significant lacerations were noted on Rangel's limbs associated with his smashing the sliding glass window at [redacted]

A forensic examination was made of Richards' duty weapon by Senior Criminalist Michael Sewell. No blood was observed on the firearm. A sample was taken from the front slide, frame and light of Richards' firearm. A DNA comparison was made from that sample and Rangel's blood by Senior Criminalist Ilene Krokaugger. The firearm sample matched Rangel with a random match probability of 2.9 times 10^{18} or 2.9 quintillion, establishing that Rangel touched Richards' firearm.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 505.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs a reasonable person acting as a police officer standard. People v. Mehserle (2012) 206 Cal. App. 4th 1125, 1146 (holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position [citations omitted] . . . the jury should consider all relevant circumstances surrounding the defendant's conduct. This enables the jury to evaluate the conduct of a

[3] "Tarping" is a procedure whereby a hobbled suspect has the hobble leg restraints attached to the handcuffs.

reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard."

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

CONCLUSION

When Deputies [redacted] and Richards attempted to contact Rangel, he ran. When the deputies, who were in full uniform and in a marked police vehicle, caught up with Rangel in a residential neighborhood and ordered him to stop, Rangel cursed at them and then ran into the backyard of a home. Rangel continued his efforts to escape by smashing the sliding glass door of a residence and forcing his way inside. The deputies were advised by the residents that Rangel had broken his way inside and was refusing to leave. They also were told that two elderly people were essentially trapped inside the home. All of these facts provided a reasonable basis for the deputies to believe that Rangel was determined to escape and was willing to go to extraordinary measures to effectuate that escape. Rangel's decision to break into an occupied home in the early morning hours compounded the danger created by his flight.

LASD made numerous and repeated efforts to convince Rangel to surrender, including multiple announcements from the helicopter and from the deputies who ultimately entered the home. All these efforts were unsuccessful. Once the deputies reached the door to the bedroom in which Rangel was hiding they repeated their commands, and Rangel verbally answered that he would surrender. But he did not surrender, instead when the deputies attempted to force open the bedroom door he actively attempted to barricade the door. This untruthful behavior further alerted the deputies to the danger posed by Rangel. Rangel's false affirmations of surrender made it reasonable for the deputies to conclude that Rangel was attempting to lure them into a situation where they would let down their guard. Further, the deputies' fear that Rangel had a hostage inside the bedroom caused them to believe that immediate entry was necessary.

Even after the deputies entered the bedroom, Rangel continued to dissemble and resist. Despite stating that he was surrendering, he grabbed Richards' firearm twice and grabbed at his firearm a third time. Richards stated that Rangel nearly took control of his firearm on one of the occasions. DNA analysis confirmed that Rangel did touch Richards' firearm. Rangel's efforts to take control of Richards' firearm established that Rangel was not going to surrender, and that the danger presented by his refusal to surrender was extreme. The small and cluttered bedroom made it extremely difficult for the deputies to control Rangel. The close proximity of the

deputies to Rangel also shortened the time that the deputies had in which to evaluate the threat posed by Rangel's actions. Rangel's continued disingenuous promises of surrender, coupled with his repeated efforts to take control of Richards' firearm, posed a real and significant danger of death or great bodily injury to Richards and the other deputies. When Rangel reached for Richards' firearm the third time, Richards was forced to make a split-second decision. Given these tense and uncertain circumstances, we find that Richards' use of deadly force was reasonable.

Accordingly, we find that Deputy Brian Richards acted in lawful self-defense and defense of others when he used deadly force against Johnny Rangel. We are closing our file and will take no further action in this matter.